

Thomas E. Willoughby
HILL RIVKINS & HAYDEN LLP
45 Broadway, Suite 1500
New York, New York 10006-3739
Tel. (212) 669-0600
Fax: (212) 669-0698/0699
TWilloughby@hillrivkins.com
Attorneys for Plaintiff
MARTINES FRUITS &
VEGETABLES, INC.

James H. Hohenstein
Lissa D. Schaupp
HOLLAND & KNIGHT LLP
195 Broadway
New York, New York 10007
Tel (212) 513-3200
Fax (212) 385-9010
jim.hohenstein@hklaw.com
lissa.schaupp@hklaw.com
Attorneys for Defendant
AMERICAN PRESIDENT
LINES, LTD.

Andrew Karonis
SCHINDEL FARMAN
LIPSIUS GARDNER &
RABINOVICH LLP
14 Penn Plaza
New York, NY 10122
Tel: (212) 563-1710 ext.235
Fax (212) 695-6602
akaronis@sfl-legal.com
Attorneys in Limited
Appearance for Defendant
ROBERT NAKO
ENTERPRISES, INC. a/k/a
YAMKO TRUCK LINES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARTINES FRUITS & VEGETABLES,
INC., a California Corporation,

Plaintiff,

- Against -

AMERICAN PRESIDENT LINES, LTD.,
a Delaware Corporation, ROBERT
NAKO ENTERPRISES, INC., a California
Corporation, dba YAMKO TRUCK
LINES, and DOES 1 through DOES 25,
inclusive,

Defendants.

-----X

Case No.
07 CV 7082 (SAS)

9
PROPOSED SCHEDULING ORDER

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ.

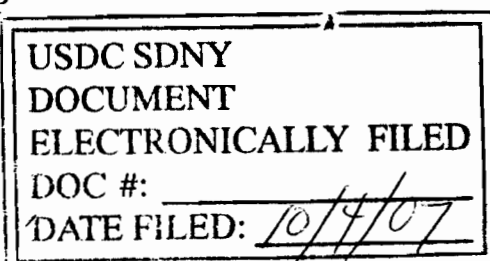
P. 16(b) and said Conference is to be held on October 3, 2007 at 4:00 P.M.; and

WHEREAS, the parties are required to jointly prepare and sign a proposed scheduling
order containing certain information; and

NOW, THEREFORE, the parties hereby respectfully submit the following information:

(1) The appearances for the parties:

HILL RIVKINS & HAYDEN LLP
Attorneys for Plaintiff
By: Thomas E. Willoughby
45 Broadway, Suite 1500



New York, New York 10006-3739
Tel: (212) 669-0600
Fax: (212) 669-0698/0699
TWilloughby@hillrivkins.com

HOLLAND & KNIGHT LLP
Attorneys for Defendant
American President Lines, Ltd.
By: James H. Hohenstein and
Lissa D. Schaupp
195 Broadway
New York, New York 10007-3189
Tel: (212) 513-3200
Fax: (212) 385-9010
jim.hohenstein@hklaw.com
lissa.schaupp@hklaw.com

SCHINDEL, FARMAN, LIPSIUS, GARDNER & RABINOVICH LLP
Attorneys in Limited Appearance for Defendant
Robert Nako Enterprises, Inc. a/k/a Yamko Truck Lines
By: Andrew Karonis
14 Penn Plaza, Suite 500
New York, New York 10122
Tel: (212) 563-1710 ext. 235
Fax: (212) 695-6602
akaronis@sfl-legal.com

- (2) A concise statement of the issues as they now appear:
- (i) Extent and cause of the claimed cargo damage;
 - (ii) Are defendants liable for the claimed cargo damage?
 - (iii) The amount, if any, of prejudgment interest to be awarded;
 - (iv) Is defendant Yamko subject to personal jurisdiction in the Southern District of New York?
 - (v) Whether venue should be transferred to the United States District Court of the Central District of California pursuant to 28 U.S.C. § 1404?
- (3) A schedule including:
- (a) the names of persons to be deposed and a schedule of planned depositions:

Representative of plaintiff; representative of defendants; surveyors for each party; eyewitnesses to the cargo damage; respective experts.

NOV
DEC
JAN

- (b) a schedule for the production of documents: November 16, 2007
- (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:

Experts' reports to be exchanged by February 29, 2008

Experts to be deposed by March 28, 2008

- (d) time when discovery is to be completed: April 18, 2008
- (e) the date by which plaintiff will supply its pre-trial order matters to defendants: May 2, 2008
- (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either proposed findings of fact and conclusions of law for a non-jury trial: May 16, 2008
- (g) Final pre-trial conference pursuant to Fed. R. Civ. P. 16(d)

Feb 21 at 4³⁰

- (4) A statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

None known at this time.

- (5) A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

None known at this time.

- (6) Anticipated fields of expert testimony, if any;
Extent and cause of the damage to the cargo.


- (7) Anticipated length of trial and whether to court or jury:
Bench trial; 3 days

- (8) This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Dated: New York, New York

October 3, 2007

SO ORDERED:


Hon. Shira A. Sheindlin, U.S.D.J.

HILL RIVKINS & HAYDEN LLP
Attorneys for Plaintiff
Martines Fruits & Vegetables, Inc.

By: 

Thomas E. Willoughby

45 Broadway, Suite 1500
New York, New York 10006-3739
Tel: (212) 669-0600
Fax: (212) 669-0698/0699
TWilloughby@hillrivkins.com

HOLLAND & KNIGHT LLP
Attorneys for Defendant
American President Lines, Ltd.

By: 

James H. Hohenstein

Lissa D. Schaupp

195 Broadway, 24th Floor
New York, New York 10007-3189
Tel: (212) 513-3200
Fax (212) 385-9010
jim.hohenstein@hklaw.com
lissa.schaupp@hklaw.com

SCHINDEL, FARMAN, LIPSIUS, GARDNER & RABINOVICH LLP
Attorneys in Limited Appearance for Defendant
Robert Nako Enterprises, Inc. a/k/a Yamo Truck Lines

By: 

Andrew Karonis

14 Penn Plaza, Suite 500
New York, New York 10122
Tel: (212) 563-1710 ext. 235
Fax (212) 695-6602
akaronis@sfl-legal.com